

Message Text

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ACTION IO-14

INFO OCT-01 EA-10 ISO-00 HA-05 CPR-02 FBIE-00 L-03
SS-15 SP-02 NSCE-00 CIAE-00 INR-10 NSAE-00 PA-01
SY-05 JUSE-00 SSO-00 INRE-00 /068 W
-----053699 072030Z /64
O 072006Z JUL 78
FM USMISSION USUN NEW YORK
TO SECSTATE WASHDC IMMEDIATE 2460
INFO AMEMBASSY MANILA IMMEDIATE

C O N F I D E N T I A L SECTION 01 OF 02 USUN NEW YORK 02819

E.O. 11652: GDS
TAGS: SHUM, PDIP, RP
SUBJECT: PHILIPPINE INCIDENT

SUMMARY:

BOTH SIDES GAVE VERSIONS OF INCIDENT AT PHILIPPINE CENTER IN COURSE OF THREE MEETINGS HELD AT UNITED NATIONS JULY 5 AND 6. TWO VERSIONS CONTINUE TO BE AT ODDS. WHEN YANGO FAILED SHAKE ACCOUNT GIVEN BY POLICE, HE COMPLAINED WE HAD NOT BROUGHT TO MEETING TWO CIVILIAN ARRESTEES DESPITE FACT HE HAD NOT REQUESTED THEIR PRESENCE. MEETINGS ENDED AMICABLY WITH EVERYONE SHAKING HANDS. YANGO, WHO PROMISED CONTACT AMB LEONARD AFTERNOON JULY 6 HAS NOT CALLED AS OF NOON JULY 7. END.

AMB LEONARD AND AMB YANGO, DEPUTY POLICE COMMISSIONER CONBOY ALONG WITH 4 NYC POLICE OFFICERS AND SIX EMPLOYEES OF THE PHILIPPINE CENTER, FIRST MET AT UNITED NATIONS MORNING OF JULY 5.

AT OUTSET, AMB LEONARD AND YANGO AGREED ON GROUND RULES EMPHASIZING MEETING WAS NOT A LEGAL PROCEDURE BUT WOULD BE BASIS OF REPORT TO WASHINGTON AND MANILA. IT WAS
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FURTHER AGREED PHILIPPINE SIDE WOULD PRESENT THEIR VERSION OF INCIDENT FOLLOWED BY ACCOUNT FROM POLICE OFFICERS.

DURING MORNING SESSION JULY 5, OUR SIDE HEARD ALL SIX PHILIPPINE "WITNESSES" WITH AMB LEONARD AND COMMISSIONER CONBOY ASKING A MINIMUM OF QUESTIONS TO SPEED UP PROCEEDINGS AND AVOID THE IMPRESSION OF A TRIAL.

AT AFTERNOON SESSION, YANGO SPENT ONE AND ONE-HALF HOURS ON FIRST POLICE "WITNESS" WITH YANGO IN THE ROLE OF A TRIAL LAWYER CONDUCTING A CROSS-EXAMINATION. WHEN REMINDED OF THE LATE HOUR, YANGO ENDED HIS EXAMINATION OF THE FIRST POLICE OFFICER AND HAD TIME ONLY TO HEAR THE SECOND ONE BEFORE MEETING ENDED.

AT THE MORNING SESSION ON JULY 6, YANGO CONTINUED AND ULTIMATELY CONCLUDED HIS EXAMINATION OF THE TWO REMAINING NYC POLICE OFFICERS.

THE NET RESULT FROM THE DAY AND ONE-HALF MEETINGS WAS THAT YANGO TRIED BUT FAILED TO ELICIT FROM THE POLICE OFFICERS INFORMATION THAT DIFFERED FROM THEIR ACCOUNT OF THE INCIDENT IN THE NYC POLICE REPORT WHICH YANGO USED AS THE BASIS FOR MOST OF HIS QUESTIONS. THE MAIN POINTS WHICH YANGO REPEATEDLY TRIED TO MAKE WERE THAT POLICE OFFICERS KNEW THEY WERE IN A DIPLOMATIC ESTABLISHMENT AND KNEW THEY WERE NOT ENTITLED TO BE THERE, THAT OFFICERS HAD ENTERED PREMISES WITH GUNS DRAWN, THAT EXCESS FORCE WAS USED TO MAKE ARRESTS AND THAT OFFICERS HAD RANSACKED DESKS OF THE CENTER.

POLICE ADMITTED ONLY TO ENTERING PREMISES WITH GUNS DRAWN WHICH THEY DESCRIBED AS STANDARD PROCEDURE WHEN PURSUING CONFIDENTIAL

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SOMEONE SUSPECTED OF BEING ARMED.

THE POLICE ACCOUNT REMAINS AT ODDS WITH THE PHILIPPINE VERSION. THAT VERSION BEGINS WITH THE POLICE BREAKING IN THE DOOR OF THE CENTER, WAVING GUNS AND BEATING UP PEOPLE FOR NO APPARENT REASON. THE PHILIPPINOS INSISTED THEY HAD NO NOTION OF WHY POLICE HAD ENTERED THEIR PREMISES AND DENIED THAT FOUR PERSONS HAD FLED FROM THE STREET INTO THEIR RESTAURANT OR CENTER. TOWARDS THE END OF THE FINAL MEETING, AFTER YANGO HAD FAILED TO SHAKE THE STORIES OF THE POLICE OFFICERS AND IMMEDIATELY AFTER AMB LEONARD HAD LEFT TO KEEP ANOTHER APPOINTMENT, YANGO COMPLAINED TO COMMISSIONER CONBOY OVER THE FAILURE OF OUR SIDE TO PRODUCE THE POLICE SGT WHO HAD "BOOKED" THE PRISONERS AT THE STATION HOUSE THE MORNING OF THE INCIDENT. CONBOY EXPLAINED THAT THE SGT WAS ON SICK LEAVE AND NOT AVAILABLE. YANGO THEN BROUGHT UP WHAT WAS REALLY ON HIS MIND. HE TOLD CONBOY THE POLICE REPORT INDICATED THAT THE POLICE INVESTIGATION WAS INCOMPLETE BECAUSE THE PHILIPPINE EMPLOYEES WERE NOT MADE AVAILABLE TO THEM. YANGO STATED THAT THEY HAD NOW BEEN MADE AVAILABLE. HE SAID HOWEVER HIS REPORT TO HIS GOVERNMENT WOULD NOT BE COMPLETE SINCE THE POLICE HAD NOT

BROUGHT TO THE MEETING THE TWO PHILIPPINE AMERICANS WHOM THEY HAD ARRESTED AND RELEASED. CONBOY, NOTICEABLY IRRITATED, YET EVER POLITE, EXPLAINED TO YANGO THAT HE WAS NOT ASKED TO PRODUCE THE TWO INDIVIDUALS IN QUESTION. HE SAID THAT AS A MATTER OF FACT HE WAS SURE YANGO HAD NOT ASKED LEONARD TO HAVE THEM AT THE MEETING. CONBOY ADDED THAT THEY WERE CIVILIANS, OVER WHOM THE POLICE HAD NO CONTROL. YANGO VOLUNTEERED THAT HE HAD TRIED TO CONTACT THEM, BUT WAS UNSUCCESSFUL SINCE ONE LIVED OUT OF STATE (CHICAGO) AND THE OTHER, WHO LIVED IN NYC, WOULD NOT

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C O N F I D E N T I A L SECTION 02 OF 02 USUN NEW YORK 02819

COOPERATE. CONBOY OBSERVED TO YANGO THAT HE CONSIDERED IT NOT IN ORDER TO BRING UP THE SUBJECT OF THE TWO CIVILIANS WHEN THERE HAD BEEN NO PRIOR MENTION OF THEIR BEING AT THE MEETING. HE SAID HE ALSO CONSIDERED OUT OF LINE YANGO'S COMPLAINT THAT HIS REPORT TO MANILA WOULD NOT BE COMPLETE. CONBOY NOTED THAT THE POLICE HAD BEEN MOST COOPERATIVE, THAT THE POLICE OFFICERS HAD APPEARED VOLUNTARILY, THAT HE AND OTHERS HAD LISTENED FOR TWO DAYS TO YANGO'S LENGTHY QUESTIONING OF THE POLICE, WHILE OUR SIDE HAD DONE VERY LITTLE INTERROGATING OF THE PHILIPPINE WITNESSES. CONBOY ACKNOWLEDGED THAT THE POLICE HAD TAKEN A STATEMENT FROM THE CIVILIANS WHO WERE ARRESTED AND THAT A REFERENCE TO THAT STATEMENT APPEARS IN THE POLICE REPORT. WHEN YANGO ASKED TO BE GIVEN THE CONTENTS OF THE STATEMENT, CONBOY SAID THAT THE REFERENCE IN THE POLICE REPORT IS AN ACCURATE SUMMARY. (COMMENT: CONBOY WAS CONCERNED OVER POSSIBLE LEGAL RAMIFICATIONS AND ALSO DID NOT WANT PHILIPPINES TO KNOW POLICE HAD STATEMENT FROM ONLY ONE OF THE ARRESTED CIVILIANS.)

YANGO ENDED THE MEETING AT 1 PM STATING HE WOULD GET
TOGETHER WITH LEONARD LATER IN THE DAY. AT THE CONCLUSION
THERE WERE HANDSHAKES ALL AROUND AND EVERYONE PARTED
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AMICABLY.

SINCE CONCLUSION OF MEETINGS AND AS OF CLOSE OF BUSINESS
JULY 6 AND AM JULY 7, YANGO HAS NOT CALLED LEONARD.
LEONARD

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Message Attributes

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